

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42051

WISCONSIN POWER & LIGHT COMPANY

v.

UNION PACIFIC RAILROAD COMPANY

Decided: September 21, 2001

On September 13, 2001, the Board issued a decision in this proceeding finding that the Union Pacific Railroad Company (UP) has market dominance over the traffic at issue and that its common carrier rate for moving trainloads of coal from the Black Thunder and Antelope mines in the Powder River Basin of Wyoming to Wisconsin Power and Light Company's (WPL) Edgewater electric-generating facility at Sheboygan, WI, is unreasonably high. The Board prescribed rates and ordered reparations for these movements. Under the Board's rules, any petition for stay would be due on September 24, 2001.

On September 20, 2001, UP filed a request for an extension until October 3, 2001, of the deadline for filing a petition for stay. UP states that it intends to seek reconsideration or judicial review of the Board's September 13 decision, and that it would ordinarily seek a stay of the September 13 order to protect its interests during the pendency of reconsideration or judicial review.

According to UP, the parties are negotiating an agreement by which each party's financial interest would be protected during the pendency of UP's reconsideration or appeal, and that the negotiations are consistent with the Board's preference that parties settle their disputes privately. UP states that it has every expectation that these negotiations will be successful, but the parties will be unable to complete those negotiations before the deadline passes for filing a petition for a stay. UP further states that an extension to October 3, 2001, will preserve UP's right to defend itself against irreparable harm, in the unlikely event that the negotiations fail, without harming WPL's right to reparations. UP states that, if the parties have not completed their negotiations for an agreement by October 3, 2001, UP will file either an additional extension request or a petition for stay.

UP's request for an extension is reasonable and will be granted.

It is ordered:

1. The due date for petitions for stay in this proceeding is extended to October 3, 2001.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary